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Attorneys for Plaintiffs,
UMG RECORDINGS, INC.; VIRGIN
RECORDS AMERICA, INC.; LAFACE
RECORDS LLC; SONY BMG MUSIC
ENTERTAINMENT; INTERSCOPE
RECORDS; and CAPITOL RECORDS,
INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UMG RECORDINGS, INC., a Delaware corporation; VIRGIN RECORDS AMERICA, INC., a California corporation; LAFACE RECORDS LLC, a Delaware limited liability company; SONY BMG MUSIC ENTERTAINMENT, a Delaware general partnership; INTERSCOPE RECORDS, a California general partnership; and CAPITOL RECORDS, INC., a Delaware corporation,

CASE NO. C 07-03093 HRL

Honorable Howard R. Lloyd

**EX PARTE APPLICATION TO CONTINUE
CASE MANAGEMENT CONFERENCE
AND [PROPOSED] ORDER**

Plaintiffs.

V.

DEVANEI UNIQUE HAMPTON,

Defendant.

1 Plaintiffs respectfully request that the Court continue the case management conference
2 currently set for March 18, 2008, at 1:30 p.m. to June 17, 2008. As further explained below,
3 Defendant Devanei Unique Hampton (“Defendant”) has not appeared in this case; however, the
4 parties, through counsel, have been in contact and are attempting to resolve this case without further
5 litigation. In support of this request, Plaintiffs state as follows:

6 1. Plaintiffs filed their initial Complaint for Copyright Infringement against a John Doe
7 defendant on June 13, 2007. In order to determine the Doe defendant’s true name and identity,
8 Plaintiffs filed their *Ex Parte* Application for Leave to Take Immediate Discovery on June 13, 2007,
9 requesting that the Court enter an order allowing Plaintiffs to serve a Rule 45 subpoena on
10 Defendant’s Internet Service Provider (“ISP”). The Court entered an Order for Leave to take
11 Immediate Discovery on June 20, 2007, which was served upon the ISP along with a subpoena
12 seeking Defendant’s identifying information. The ISP responded to Plaintiffs’ subpoena, identifying
13 the defendant, Devanei Unique Hampton.

14 2. Plaintiffs then sent written notice to Defendant of their claims and attempted to reach
15 Defendant to resolve their claims amicably. Defendant did not respond, and Plaintiffs’ follow-up
16 attempts to contact Defendant were unsuccessful. During that time, while the case was still in the
17 Doe stage, Plaintiffs requested two previous continuances of the case management conference,
18 which the Court granted by its Orders of September 12, 2007 and December 6, 2007.

19 3. When attempts to contact Defendant and resolve the dispute were unsuccessful,
20 Plaintiffs, on December 7, 2007, filed the First Amended Complaint naming Devanei Unique
21 Hampton individually as the defendant. Defendant was served with process on January 2, 2008, by
22 substitute service.

23 4. Defendant has not filed an answer or other response to the Complaint, nor served an
24 answer or other response upon Plaintiffs’ attorneys of record. Accordingly, Plaintiffs are prepared to
25 seek entry of default and a default judgment if necessary.

26 5. However, Defendant’s counsel has contacted counsel for Plaintiffs, and the parties
27 have discussed options for settling the case. The parties are currently in discussions aimed at
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1 resolving this case without further litigation, and Plaintiffs therefore request additional time to
2 conclude these discussions before proceeding with the litigation.

3 6. Given these circumstances, and because Defendant has not appeared in this action, a
4 case management conference is unnecessary at this time. Plaintiffs therefore request that the Court
5 continue the case management conference currently set for March 18, 2008, at 1:30 p.m. to June 17,
6 2008, or such other date as conveniences the Court.

7
8 Dated: March 7, 2008

HOLME ROBERTS & OWEN LLP

9 By: /s/ Matthew Franklin Jaksa

10 Matthew Franklin Jaksa
11 Attorney for Plaintiffs
12 UMG RECORDINGS, INC.; VIRGIN
13 RECORDS AMERICA, INC.; LAFACE
14 RECORDS LLC; SONY BMG MUSIC
15 ENTERTAINMENT; INTERSCOPE
16 RECORDS; and CAPITOL RECORDS,
17 INC.

18
19 **[PROPOSED] ORDER**

20 Good cause having been shown:

21 **IT IS ORDERED** that the case management conference currently set for March 18, 2008, at
22 1:30 p.m., be continued to June 17, 2008.

23
24 Dated: _____

25 By: _____
26 Honorable Howard R. Lloyd
27 United States Magistrate Judge
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